

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

RICARDO J. ZAYAS, RECEIVER AND)	
AUTHORIZED AGENT FOR:)	
)	
SUMMIT TRUST CO.,)	
)	
RUDASILL FAMILY CHARITABLE)	
REMAINDER) ANNUITY TRUST)	
)	
THE BELLAVIA FAMILY TRUST)	
)	
)	
Plaintiffs,)	CASE NO.8-16-cv-03193-GJH
)	
v.)	
)	
ADCOR INDUSTRIES, INC.,)	
)	
ADCOR PACKAGING GROUP, INC.)	
)	
Defendants)	

**DEFENDANT ADCOR INDUSTRIES, INC.'S MOTION TO DISMISS OR, IN THE
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Adcor Industries, Inc., the Defendant, by and through its attorneys, Thomas M. Donnelly, Esq., and the Law Offices of Thomas M. Donnelly, and respectfully moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Complaint filed by Plaintiffs, Ricardo J. Zayas, Summit Trust Co., The Rudasill Family Charitable Remainder Annuity Trust, and The Bellavia Family Trust, or, in the alternative, for summary judgment pursuant to Fed. R. Civ. P. 56 and in support thereof states as follows:

1. Plaintiffs allegations stem from a breach of a purported loan agreement that took place in February and March of 2012 wherein Plaintiffs also filed UCC-1 statements with the Maryland Department of Assessments and Taxation.

2. Plaintiffs filed their Complaint on or about September 19, 2016, over three years from the date of the purported loan agreement and alleged breach from which the alleged causes of action arose.

3. Plaintiffs' claims are barred by the applicable three-year statute of limitations.

4. Plaintiffs' have failed to bring causes of action that are recognized under Maryland law.

5. Plaintiffs' have failed to state any claims upon which relief can be granted.

6. Plaintiffs the Rudasill Family Charitable Remainder Annuity Trust and the Bellavia Family Trust have failed to sufficiently demonstrate their existence or any agency relationship that would give Ricardo Zayas standing or authority to bring claims on their behalf.

7. Plaintiff Summit Trust is not a proper party in interest.

8. Plaintiffs Summit Trust and Ricardo Zayas are barred from bringing these claims under the applicable "door closing" statute.

9. Adcor Industries, Inc. submits the attached memorandum in support of its motion and incorporates herein fully by reference.

WHEREFORE, Defendant, Adcor Industries, Inc., respectfully moves this Honorable Court to dismiss all claims with prejudice, or in the alternative, grant summary judgment in Defendant's favor as to each and every count of Plaintiffs' Complaint.

Respectfully submitted,

____//s//____Thomas M. Donnelly_____
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Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **November 15, 2016**, a copy of the foregoing Motion To Dismiss or for Summary Judgment, Proposed Order, and Accompanying Memorandum of Law was filed on the Court's CM/ECF system, and was thus served electronically on all parties to this case. I am not aware of any party who is *pro se* or has an attorney not registered with CM/ECF in this case.

____//s//__Thomas M. Donnelly_____
Thomas M. Donnelly, Bar #26622